

CSC
B-42



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Ralph Jasionowski,
Supervisor Public Works (PM2295R),
Milltown

Examination Appeal

CSC Docket No. 2014-2651

ISSUED: **SEP 04 2014** (HS)

Ralph Jasionowski appeals the determination of the Division of Selection Services (Selection Services) which found that he did not meet the experience requirement for the promotional examination for Supervisor Public Works (PM2295R), Milltown.

The subject examination announcement was issued with a closing date of December 21, 2013. The examination was open, in part, to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in any competitive title and who possessed four years of experience in the construction, maintenance and repair of streets, sewer, water, sanitation or other public works facilities or similar heavy construction. It is noted that the appellant was the only applicant for the subject promotional examination, which was cancelled.

On his application, the appellant indicated that he had served as a "Laborer" from February 2001 to March 2007; as an "Assistant Supervisor" from March 2007 to April 2011; and as a "Director of Public Works, C.P.W.M." from April 2011 to the closing date.¹ The appellant indicated that his major duties as a "Laborer" included the following: collecting sanitation; park maintenance; road and street repair; sign repair; snow removal; building maintenance; masonry work; and tree removal and

¹ Agency records indicate that the appellant served as a Laborer 1 from February 5, 2001 to January 7, 2007; as a Laborer 2 from January 8, 2007 to August 18, 2013; and as a provisional Supervisor Public Works from August 19, 2013 to the closing date.

pruning. His major duties as an "Assistant Supervisor" included the following: overseeing the maintenance of buildings, parks, Borough-owned properties and roads, and filling in as the supervisor. His major duties as a "Director of Public Works, C.P.W.M." included the following: overseeing all maintenance of the library, senior hall, firehouses, Police Department, Historical Society and Borough Hall; overseeing several parks and many other Borough-owned properties; overseeing road maintenance and repair, snow plowing, grass mowing, sanitation pickup, recycling pickup, storm water management, Clean Communities, cleaning services and pool maintenance and operations; heading the safety committee; scheduling and facilitating employee training; overseeing operations behind all Borough-wide functions as they pertain to public works; soliciting all quotes for equipment and services; and holding a seat on the Solid Waste Authority Council for Middlesex County. *Selection Services credited the appellant with five months of applicable experience based on his provisional service in the subject title. Selection Services did not credit him with any other experience, finding that any supervisory or higher-level duties he performed as a Laborer 1 or Laborer 2 were out-of-title. Therefore, he was found to be lacking three years and seven months of creditable experience.

On appeal, the appellant argues that he has been functioning as a supervisor since 2007 and lists the work duties he has performed since that time. In support of his appeal, the appointing authority requests that the appellant's experience as a Laborer 2 be credited. Specifically, the appointing authority confirms that since his January 8, 2007 appointment to the title of Laborer 2, the appellant performed the above-noted relevant out-of-title duties.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date. *N.J.A.C.* 4A:4-2.6(c) provides that, except when permitted for good cause, applicants for promotional examinations may not use experience gained as a result of out-of-title work to satisfy eligibility requirements.

Selection Services correctly determined that the appellant was ineligible for the subject examination because he lacked three years and seven months of creditable experience as of the December 21, 2013 closing date. The appellant's performance of applicable duties while serving in the title of Laborer 2 would be considered out-of-title work. Ordinarily, the Civil Service Commission (Commission) looks to whether or not "good cause" has been established in determining whether to grant or deny appeals involving out-of-title work. Generally, the Commission finds good cause where the record evidences that the examination situation is not competitive, no third parties are adversely impacted, and the appointing authority wishes to effect a permanent appointment and verifies

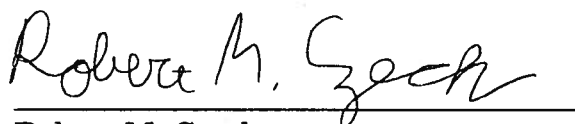
that the appellant has performed the relevant duties which otherwise satisfy the eligibility requirements. *See In the Matter of John Cipriano, et al.* (MSB, decided April 21, 2004). In this particular situation, the record evidences that the examination situation is not competitive since the examination was cancelled, and therefore, no third parties are adversely impacted. The appointing authority has indicated that the appellant performed applicable out-of-title duties while serving in the title of Laborer 2. This represents more than six additional years of experience. As such, good cause exists to accept the appellant's out-of-title work experience, for eligibility purposes only, and admit him to the examination.

ORDER

Therefore, it is ordered that this appeal be granted, the cancellation of the examination be rescinded and the appellant's application be processed.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 3RD DAY OF SEPTEMBER, 2014



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